

ENTERED

January 29, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**KEITH THOMAS,
Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION
DEFAULT RESOLUTION GROUP,
Defendant.§
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Civil Action No. 1:21-cv-00002

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are Keith Thomas's ("Plaintiff") "Complaint for Violation of Civil Rights" (Dkt No. 1), Plaintiff's "Motion and Declaration under Penalty of Perjury in Support of Motion to Proceed *In Forma Pauperis*" ("IFP Motion") (Dkt. No. 2), the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 5), and Plaintiff's motion for leave to appeal the R&R (Dkt. Nos. 9-12). The R&R recommends (1) denying Plaintiff's IFP Motion (Dkt. No. 2), (2) dismissing Plaintiff's Complaint (Dkt. No. 1) if he fails to pay the filing fee within 40 days of the R&R's adoption, (3) warning Plaintiff payment of the filing fee does not preclude dismissal, (4) warning Plaintiff he may be subject to future sanctions, and (5) directing the District Court Clerk to send notice of dismissal to the Manager of the Three Strikes List for the Southern District of Texas.

Objections were due January 29, 2021. Rather than file objections, Plaintiff filed documents establishing he is without funds to afford an attorney. *See* Dkt. Nos. 9-12. The filings were nonresponsive to the R&R, and this Court will not consider them objections under FED. R. CIV. P. 72(b)(2). When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED** in part:

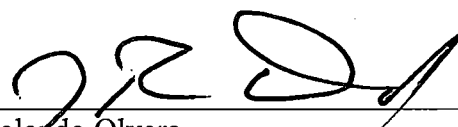
1. Plaintiff's IFP Motion (Dkt. No. 2) is **DENIED**.
2. Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE**.
3. A sanction upon Plaintiff is **ORDERED**. Plaintiff is **ORDERED** to remit a monetary sanction in the amount of \$500, payable to the District Court Clerk. Plaintiff is hereafter

BARRED from filing any pleading in this Court or in any other court subject to this Court's jurisdiction until the sanction is paid in full, unless Plaintiff first obtains leave of the court in which he seeks to file such pleading. The District Court Clerk is **ORDERED** not to file any future pleadings by Plaintiff until the sanction is paid in full.

4. The District Court Clerk is **ORDERED** to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas.

5. The District Court Clerk is **ORDERED** to close the case.

Signed on this 29th day of January, 2021.



Rolando Olvera
United States District Judge